

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

LAMONT LATHAM	§ § § § §	PETITIONER CIVIL NO. 1:13cv215-HSO-RHW RESPONDENT
v.		
RONALD KING		

CERTIFICATE OF APPEALABILITY

A final order adverse to the applicant having been filed in the captioned habeas corpus case, in which the detention complained of arises out of process issued by a state court or a proceeding pursuant to 28 U.S.C. § 2254, or the detention arises out of a judgment and conviction in federal court which is being challenged pursuant to 28 U.S.C. § 2255, the Court, considering the record in this case and the requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11 of the Rules Governing Section 2254 and 2255 Cases in the United States District Courts, hereby finds that:

- X A Certificate of Appealability should not issue. The applicant has failed to make a substantial showing of the denial of a constitutional right.
- A Certificate of Appealability should issue for the following specific issue(s):

REASONS:

Petitioner has not made a “substantial showing of the denial of a constitutional right.” See 28 U.S.C. § 2253(c)(2); *Elizalde v. Dretke*, 362 F.3d 323, 328 (5th Cir. 2004). Petitioner has not presented a claim for which habeas corpus relief may be awarded. See Order Adopting Proposed Findings of Fact and Recommendation, Granting Respondent’s Mot. to Dismiss, and Dismissing Pet. for Writ of Habeas Corpus [10] and Proposed Findings of Fact and Recommendation [8].

DATE: November 15, 2013.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE